

VZCZCXRO0189
RR RUEHBZ RUEH DU RUEHMR RUEHRN
DE RUEHLS #0684/01 2751311
ZNY CCCCC ZZH
R 021311Z OCT 09
FM AMEMBASSY LUSAKA
TO RUEHC/SECSTATE WASHDC 7318
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHTC/AMEMBASSY THE HAGUE 0175
RUEHLMC/MILLENNIUM CHALLENGE CORP 0181
RUEHUB/USINT HAVANA 0005

C O N F I D E N T I A L SECTION 01 OF 03 LUSAKA 000684

SIPDIS

STATE FOR AF/S

E.O. 12958: DECL: 12/31/2019
TAGS: [PREL](#) [PGOV](#) [ECON](#) [KCOR](#) [ZA](#)
SUBJECT: DIPLOMATS CAUGHT IN ROW OVER PUBLIC CRITICISM OF
THE GRZ- CORRECTED COPY

REF: A. LUSAKA 620
[1](#)B. LUSAKA 654
[1](#)C. LUSAKA 588

LUSAKA 00000684 001.2 OF 003

Classified By: Charge d'Affaires Michael Koplovsky for reasons 1.4 (b,d
)

[1](#)1. (C) SUMMARY AND ACTION REQUEST: The Zambian press published September 22 a leaked summary of a September 4 meeting between representatives from the donor community, including the Ambassador, and President Rupiah Banda over the Chiluba case and press freedom (ref A). The article sparked a heated debate over whether foreign diplomats can and/or should publicly criticize the GRZ. Members of the opposition and civil society supported donor countries' right to question publicly how the GRZ manages its foreign assistance. However, harsh criticisms of the press, donor community, and civil society (septel) by GRZ Spokesman Lt. Gen. Ronnie Shikapwasha, Home Affairs Minister Lameck Mangani and the government-owned newspapers put the diplomatic corps on notice. The GRZ's increasingly hostile response to public criticism and its public harping on this issue for over a week have left perplexed and vexed donors at loggerheads with the GRZ despite our attempt to communicate concerns in a constructive and private way. An October 5 demonstration in front of the UK High Commission (our neighbor) against diplomatic "interference" and the summoning of all mission heads to a meeting with Foreign Minister Pande on October 6 indicate that the furor has not died yet. Embassy requests official Department interpretation of Art 41 of the Vienna Convention on Diplomatic Relations. END SUMMARY.

[1](#)2. (C) A September 22 article in the anti-government 'Post' set off a heated and continuing debate over whether diplomats are permitted to publicly criticize the GRZ. The article quoted a leaked summary of the September 4 meeting between President Rupiah Banda, Vice President George Kunda, and representatives from the donors' Cooperating Partners Group (CPG) -- the Ambassador, Dutch Ambassador Harry Molenaar, and World Bank Representative Kapil Kapoor (ref A). 'The Post' reported that "diplomats have told President Rupiah Banda that his government's failure to register and enforce the London judgment against Frederick Chiluba will send a strong message to the international community that he (Banda) is not committed to fighting corruption." 'The Post' quoted September 25 British High Commissioner Tom Carter as having said that the Chiluba acquittal "surprised" him and Danish Ambassador Thomas Schjerbeck as having said that "the world is watching with enormous interest to see how the conviction of Chiluba in the United Kingdom court is going to be transformed into a follow-up in Zambia." Both told the Charge this week that they were misquoted and taken out of

context. Subsequently an obscure and ill-regarded weekly ran a completely fabricated article quoting the British High Commissioner at length supporting Shikapwasha's assertion that diplomats should only use diplomatic channels.

13. (C) The CP-Troika notes, which were drafted and widely circulated to donors via email by the Dutch Embassy, debriefed CPG members states on the highlights of the September 4 meeting. The notes underscored: "1) the importance of not letting the government's criminal case against former President Chiluba, which is an important cornerstone of Zambia's anti-corruption effort, be definitively decided at the magistrate court level; 2) the importance of registering and enforcing the civil judgment the government won (in London) against former president Chiluba; 3) the importance of not returning assets to or restoring the immunity of former president Chiluba while litigation is pending or judgments have not been enforced; and 4) the importance of not adopting any laws or regulations that would place restrictions of (sic) the press. The Troika pointed out that there has been no presumption of the direction government might take on the four key issues. The Troika's intention was to alert government to the harm that could be done to Zambia's image if developments on those issues do not move in a positive direction." Ambassador told Banda during the meeting that donors would be forced to state their policies on these matters publicly if the GRZ failed to address them. However, 'the Post' published the leak before the CPG released any public positions. (Note: In an October 1 CPG meeting, Dutch Ambassador Molenaar chided other donors for the leak, regretting that leverage with the GRZ was lost and effort must now be expended to mend relations.)

14. (SBU) GRZ Spokesman and Information Minister Lt. Gen. Ronnie Shikapwasha responded to 'the Post' article by

LUSAKA 00000684 002.2 OF 003

defending the GRZ anti-corruption efforts and asserting that the GRZ will strengthen the Anti-Corruption Commission, Drug Enforcement Commission -- now out of corruption investigations -- and Auditor General's office. The GRZ's reaction turned negative, however, after the debate over diplomatic license to comment on "sovereign" Zambian issues dragged on in the press. Vice President George Kunda publicly announced that the government would not appeal the Chiluba case September 23 (ref A). Movement for Multiparty Democracy Parliament Chief Whip Vernon Mwaanga told the press September 26 that "Our sovereignty as a parliament must be respected...there are established channels through which advice can be given to government." Government-owned 'Times of Zambia' published an editorial September 28 criticizing the donor community for speaking out and stated, "While Zambia is in need of foreign aid, this (public criticism) should not be used as an excuse to interfere in internal matters. If the diplomats have any issue of concern, there are established channels of communication, which must be used at all times." To support their case, the government papers trolled for trade unions and evangelical groups to weigh in against diplomatic freedom of speech. Shikapwasha accused "some media outlets" September 30 of trying to disturb relations between the government and diplomatic community. He maintained that anonymous diplomats denied during a September 30 meeting with GRZ officials that they issued statements on Chiluba's acquittal and press freedom to the press. Emboshs have been unable to find donors or diplomats who can confirm their attendance at such a meeting.

15. (SBU) The situation was exacerbated by the attendance of diplomats at a September 29 press conference that called on the GRZ to appeal Chiluba's acquittal (septel). The Civil Society Organizations (CSOs), led by Transparency International Zambia, had called on Zambians to honk their car horns for ten minutes October 2 at 1700 local to express support for appealing Chiluba's acquittal, a method of protest reminiscent of the successful campaign to prevent Chiluba from seeking an unconstitutional third term in 2001.

Home Affairs Minister Lameck Magani ratcheted up the GRZ' rhetoric October 1 when he accused the diplomatic corps of plotting with NGOs to destabilize the country. Mangani said, "We are going to respect the advice that comes from the diplomats. But we are not going to allow them to dictate to us...we want them to follow the right channel. We are not going to allow or promote anarchy in the country. All this is happening with the help of some people in the diplomatic service. We have held official meetings with the diplomats on several occasions, but it is surprising that they are having dark corner and private meetings and sponsoring pressure groups in the country." Mangani invoked Article 41 of the Vienna Convention and asserted that official diplomatic business with the host nation be conducted through the Ministry of Foreign Affairs.

16. (U) Members of opposition political parties and civil society defended the right of diplomats to question how the GRZ manages its foreign assistance. United Party for National Development (UPND) President Hakainde Hichilema asserted September 22 that donors were right to raise alarms and that "the donors are spending taxpayers' money to help the poor Zambians and that money is being stolen by corrupt MMD government. It is in their right to talk about the money which is being abused." Patriotic Front (PF) Member of Parliament Chishimba Kambwili criticized Mwaanga's remarks and wondered why donors should keep quiet on matters involving their money. Catholic Bishop Paul Duffy of Mongu told 'the Post' September 28 that diplomats had resorted to expressing their frustrations over corruption through the press because of a lack of response by the GRZ through established channels.

17. (C) COMMENT: Despite a concerted attempt to convey our concerns to Banda privately, the GRZ is deflecting the leaked criticism of the government and anti-corruption efforts by playing the sovereignty and stability cards -- trying to scare the public into believing that dissent, be it from CSOs or diplomats, could lead to anarchy and end Zambia's record of peace since independence. GRZ intolerance for dissent is not new to us, but the arguments relayed in ref C, when MFA protested embaff's comments in the press about the pending NGO bill because it was an "internal matter" are now being echoed to the larger diplomatic community. President Banda's supporters have put further pressure on the donor community, press, and civil society to back off on their calls for the GRZ to appeal the Chiluba case and respect press freedom in the hope that the demands of the CP-Troika will fade. The

LUSAKA 00000684 003.2 OF 003

MFA has called all Chiefs of Missions to a meeting October 6 to discuss "issues," almost certainly related to the downward spiraling relationship between donors and the GRZ. If asked, Charge intends to outline our policy as the Ambassador did in ref C -- The USG will speak out where it is in the U.S. interest to do so, including supporting universally accepted human rights and jealously guarding good stewardship of U.S. taxpayer dollars. Although we do not seek confrontation with the GRZ, to concede to the GRZ's absurd (and hypocritical given FM Pande's characterization of the U.S. "blockade" of Cuba as a "human rights violation.") requirement that we not speak to the public would be to abandon the Zambian people in their time of need and throw in the towel on anti-corruption and governance. Danish, Dutch, and British COMs agree that public diplomacy is a core responsibility and one they intend to use not matter what the GRZ says. Embassy requests Department's official interpretation and press guidance on Article 41 of the Vienna Convention on Diplomatic Relations. END COMMENT. KOPLOVSKY